

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed April 13, 2010. Claims 1 and 4-23 are pending in the application. In the Office Action, the Examiner rejected (a) claims 1 and 4-22 under 35 U.S.C. § 112 as failing to comply with the written description requirement, (b) claims 1, 4-7 and 9-23 under 35 U.S.C. § 102(e) as anticipated by U.S. Application Serial No. 10/902,666 to Burgermeister (hereinafter "Burgermeister"); and (c) claim 23 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Publication No. 2002/0123791 to Harrison (hereinafter "Harrison"). Claims 2 and 3 were previously canceled.

By this Amendment, claims 1, 19, 21 and 23 have been amended. Exemplary support for the amended claims can be found in the specification and the figures. No new matter has been added by way of this amendment. Accordingly, claims 1 and 4-23 are presented for reconsideration by the Examiner.

35 U.S.C. § 112

In the Office Action, the Examiner argues that the use of the term "substantially parallel" in claim 1 was not supported by the specification, but stated that Figure 1 showed support for the term "parallel". While Applicants believe support exists for the struts being "substantially parallel" (See page 3, lines 13-17; page 5, lines 8-11), Applicants have amended claim 1 by deleting the term "substantially" in order to further prosecution of this application. However, Applicants submit that a person of ordinary skill in the art would recognize that the term "parallel" would inherently allow some variation due to construction limitations, uncertainties in measurement, calibration, etc. Given the amendment, Applicants respectfully request withdrawal of this rejection.

In the Office Action, the Examiner also argues that the requirement in claim 21 that each annual segment have substantially the same amplitude was not supported by the specification, but stated that replacement of "annular segments" with "struts" would overcome the Examiner's rejection. Applicants have accordingly amended claims 19 and 21 to provide that each strut has substantially the same length measured between

respective transitional sections about the stent's circumference. Applicants, therefore, respectfully request withdrawal of this rejection.

35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected claims 1, 4-7 and 9-23 under 35 U.S.C. § 102(e) as anticipated by Burgermeister, but stated that (a) deletion of "substantially" in claim 1 and (b) replacement of "annular segments" with "struts" in claim 21 would overcome this rejection for claims 1, 4-7 and 9-22. By this Amendment, claim 1 has been amended by deleting "substantially" and claim 21 has been amended by replacing "annular segments" with "struts". Applicants respectfully submit that Burgermeister does not disclose the struts as claimed in amended claims 1 and 21. This is clear from the figures, as well as Burgermeister's disclosure that "[e]ach of the folded struts 25 takes on a generally irregular pattern." See ¶ 34. Applicants further submit that Burgermeister does not disclose any motivation for persons of skill in the art to provide struts as claimed in claims 1 and 21. Accordingly, Applicants respectfully request withdrawal of this rejection.

With regard to claim 23, the Examiner argues that Burgermeister's openings within the transition sections in the initial state, as illustrated in Figure 5, form "eyelets" that may be considered deflection elements. The Examiner does not, however, provide any evidence or arguments suggesting that Burgermeister discloses any of the other elements of claim 23. Applicant respectfully submits that Burgermeister does not disclose such other elements. Applicants also submit that Burgermeister also fails to disclose a tubular support frame comprising a plurality of deflection elements for a thread looping around the outside of the support frame that are arranged on the annular segments at the proximal and distal ends of the support frame, wherein each deflection element comprises an eyelet configured to receive a thread therethrough." Indeed, Burgermeister does not even refer to deflection elements, an eyelet configured to receive a thread or the use of thread for looping around the outside of the support frame. Applicants further submit that Burgermeister does not disclose any motivation

for persons of skill in the art to provide deflection elements as claimed in claim 23. Applicants, therefore, respectfully request withdrawal of this rejection.

In summary, Applicants respectfully submit that the claimed invention is not anticipated by Burgermeister. Applicants, therefore, respectfully request withdrawal of each of the foregoing rejections.

35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected claim 23 under 35 U.S.C. § 102(b) as anticipated by Harrison, but stated that this rejection would be overcome by amendment of claim 23 to provide that the widened heads extend proximally “from” the proximal end and distally “from” the distal end. By this Amendment, claim 23 has been amended to provide that “every other transitional section at the proximal and distal ends of the tubular support frame has a widened head end that axially projects proximally from the proximal end and distally from the distal end and has a convexly rounded front section.” Applicants respectfully submit that Harrison does not disclose “a widened head end that axially projects proximally from the proximal end and distally from the distal end.” Applicants further submit that Harrison does not disclose any motivation for persons of skill in the art to provide “a widened head end that axially projects proximally from the proximal end and distally from the distal end.”

Accordingly, Applicants respectfully submit that the claimed invention is not anticipated by Harrison. Applicants, therefore, respectfully request withdrawal of this rejection.

CONCLUSION

Applicants respectfully assert that claims 1 and 4-23 are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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